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Attorney for Plaintiff
DAVID COLE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

DAVID COLE, an individual,
Plaintiff,
v.

CITY OF CERES; CERES POLICE
DEPARTMENT; LORENZO BELTRAN;
and DOES 1-100
Defendants.

Case No. 1:21-cv-00189-JLT-BAM

**STIPULATION TO MODIFY
SCHEDULING ORDER AND ORDER**

1 Plaintiff David Cole and Defendants Ceres Police Department, City of Ceres and Lorenzo
2 Beltran (collectively “Defendants”), through their respective attorneys of record, hereby stipulate
3 to modify the Scheduling Order in this case and respectfully request an order to that effect, as
4 follows:

5 WHEREAS, the Court’s Scheduling Conference Order of June 28, 2021, provides
6 deadlines of March 15, 2022, for non-expert discovery, April 12, 2022, for expert disclosure,
7 April 26, 2022, for supplemental expert disclosure, and May 24, 2022, for expert discovery (See
8 ECF 13);

9 WHEREAS, the parties to date have engaged in a good faith efforts to settle the case and
10 have engaged in fact discovery;

11 WHEREAS, the parties are still engaged in written discovery;

12 WHEREAS, on January 27, 2022, Defendants’ counsel served David Cole with a Notice
13 of Taking Deposition of Plaintiff Via Zoom, which the parties agreed to postpone to March 2,
14 2022;

15 WHEREAS, on March 2, 2022, the Parties again agreed to postpone Plaintiff’s deposition
16 due to an unexpected medical issue experienced by Plaintiff, and agreed to extend fact discovery
17 for 45 days in order for the parties to complete written discovery and to complete the deposition
18 of Plaintiff and a percipient witness;

19 WHEREAS, considering the foregoing, the Parties seek an order extending the current
20 fact/non-expert discovery deadline of March 15, 2022 for a period of 45 days, to April 29, 2022,
21 to ensure there is sufficient time to bring any disputes to the Court for resolution related to either
22 depositions or written discovery prior to the non-expert discovery cut-off; the Parties also seek an
23 order extending the expert discovery deadlines as follows:

24 April 12, 2022 deadline for expert disclosure extended to May 10, 2022,

25 April 26, 2022, for supplemental expert disclosure to May 24, 2022, and

26 May 24, 2022, for expert discovery to June 21, 2022;

27 June 21, 2022, for pretrial motion filing to July 19, 2022
28

THEREFORE, it is hereby stipulated and agreed by the parties, as follows:

- IT IS HEREBY STIPULATED

AUSTIN LAW GROUP

By: /S/ *J Swanson*_____

Dated: March 4, 2022

LONGYEAR & LAVRA, LLP

By: _____ * /S/ *Nicole Cahill*_____

VAN LONGYEAR
NICOLE M. CAHILL
GRANT C. FURUKAWA
Attorneys for Defendants,
City of Ceres and Lorenzo Beltran

STIPULATION MODIFY SCHEDULING ORDER AND ORDER

ORDER

GOOD CAUSE HAVING BEEN FOUND, This Court has reviewed and considered the above stipulation among the parties.

Based on the representations submitted therewith, and for good cause shown, it is hereby ORDERED that the Scheduling Order (at ECF 13) is modified as follows:

1. The deadline for non-expert discovery shall be extended to April 29, 2022;
2. Expert disclosures, if any, shall be made by May 10, 2022;
3. Supplemental expert disclosures, if any, shall be made by May 24, 2022; and
4. Expert discovery, if any, shall be made by June 21, 2022.
5. Pretrial motion filing shall be made by July 19, 2022.

These modifications do not change any other existing scheduling deadlines, including the pretrial conference and trial dates.

IT IS SO ORDERED.

Dated: March 8, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE